

United States District Court

for the
Western District of New York

United States of America

v.

PRISCILLA VOGELBACHER

Defendant

Case No. 19-mj-

5286



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about the date of May 16, 2019 and on or about June 18, 2019, in the Western District of New York and elsewhere, the defendant, PRISCILLA VOGELBACHER, traveled in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in Title 18, United States Code, Section 2423(f), with another person, in violation of Title 18, United States Code, Section 2423(b).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

JEFFREY A. HOMZA
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Printed name and title

Sworn to before me and signed in my presence.

Date: November 21, 2019

Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Jeffrey A. Homza, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation, and have been since September 2019. I am assigned to the Buffalo, New York Field Office, Jamestown, New York Resident Agency. As part of my assignment, I am responsible for investigating, among other things, travel, in interstate commerce, for the purpose of engaging in illicit sexual activity. As a Federal Agent, I am authorized to investigate violations of the laws of the United States, including offenses related to Interstate Travel with Intent to Engage in Illicit Sexual Conduct in violation of Title 18, United States Code, Section 2423(b). As part of these duties, I have become familiar with the manner in which subjects exploit minors for sexual purposes, including how they (1) recruit victims; (2) groom victims; and (3) use social networking applications to communicate with victims and other subjects in order to facilitate their unlawful activities.

2. I make this affidavit in support of a criminal complaint charging PRISCILLA VOGELBACHER with violation of Title 18, United States Code, Section 2423(b) (Travel with Intent to Engage in Illicit Sexual Conduct).

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, and upon my training and experience. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that PRISCILLA VOGELBACHER committed the charged offense.

II. THE INVESTIGATIVE AND FACTUAL BASIS

4. On or about August 13, 2019, the Jamestown, New York Police Department received a report of sex abuse involving a transgender female, PRISCILLA VOGELBACHER ("VOGELBACHER"), date of birth November 12, 1982, and a female juvenile ("VICTIM 1") with a birthdate in 2004.

5. According to the report provided by VICTIM 1's mother and stepfather, VICTIM 1 disclosed that she had engaged in sexual activity with VOGELBACHER during two trips VOGELBACHER made to Jamestown, New York from her home in Oregon, Ohio.

6. According to VICTIM 1, VICTIM 1 met VOGELBACHER during a trip to Ohio to visit family during the summer of 2018. During the trip to Ohio, VICTIM 1 attended a family birthday party at which VOGELBACHER was a guest. VICTIM 1 advised she and VOGELBACHER kissed at the party but did not engage in any other sexual conduct at the time. VICTIM 1 and VOGELBACHER did exchange contact information.

7. A few months after VICTIM 1's trip to Ohio, VICTIM 1 and VOGELBACHER began to communicate using text messages, phone calls, Facebook Messenger, and Google Hangouts. VICTIM 1 further stated that she and VOGELBACHER used various web services to video chat. Although their relationship initially was not sexual or romantic in nature, it later became so. VICTIM 1 stated VOGELBACHER would suggest that VICTIM 1 remove her clothing during the chats, which VICTIM 1 did. Eventually, VOGELBACHER and VICTIM 1 each masturbated during the video chats.

8. VICTIM 1's parents provided consent to search VICTIM 1's mobile telephone, an LG Vista. Contained in the device were multiple emails between VICTIM 1's Gmail account and email address prissbns@gmail.com. The emails identify the user of the referenced email address as VOGELBACHER.

9. Pursuant to the instant investigation, the Jamestown Police Department sought and obtained search warrants for VICTIM 1's and VOGELBACHER's Google accounts. Included in Google's response to the referenced search warrants were chats between email address prissbns@gmail.com and VICTIM 1's email address. The following is an excerpt of a chat between prissbns@gmail.com (PV) and VICTIM 1's (V) email address that occurred on or about February 5, 2019:

PV: you have a friend over?

V: yeah, apparently my step dad heard me last night so I thought we should take a brief break

PV: what did he say?

V: passive aggressively told my mom I was on the phone at 11 last night

PV: I hate passive aggression

PV: Its cowardly

V: in this case, im glad it was not my moms straight forwardness, because she would have walked in on me naked in a call with you

PV: that would be the worst thing possible

V: too true

10. It appears reasonable that VOGELBACHER was aware that VICTIM 1 was under the age of eighteen and that her conduct with VICTIM 1 is a violation of law. The following is part of the same chat transcript excerpted above that took place on or about February 5, 2019:

PV: [Referencing VICTIM 1'S mother:] she doesn't know you're gay?

PV: parents don't like their kids friends no matter who they are

V: she does

PV: then why does she say that?

V: I think she just meant a relationship

PV: ok

PV: Im sure she would lose her shit over us

V: she would go straight to the cops

PV: with absolutely zero thought behind it

PV: typical

V: yeah, itss [sic] a scary thought

PV: that's putting it mildly

PV: people who think teens are children need a history lesson

- V: all the laws in this shit are so sexist, too, like no one gives a fuck if a 14 year old
Fucks a 2 year old chick, because he must be emotionally mature and responsible, but god forbid a girl is in the smaw [sic] situation , her poor weak little female brain must not be able to emotionally handle the situation
- PV: clearly
- V: got it gets me so fucking mad
- PV: you obviously don't have a mind of your own and must be told what to believe
- PV: and how you feel
- V: how would I know what to think or feel if no one told me
- PV: and that's how it remains until the day you turn 18, a day before that you still have no clue what you're doing.

11. According to VICTIM 1, she and VOGELBACHER talked about VOGELBACHER traveling from Ohio to Jamestown, New York on several occasions. On or about May 16, 2019, VOGELBACHER did in fact travel from Ohio to Jamestown. The purpose of this trip was so that VOGELBACHER could have sex with VICTIM 1. VOGELBACHER picked up VICTIM 1 from the local library and drove her to the LaQuinta Inn located in downtown Jamestown. At the hotel, VOGELBACHER provided VICTIM 1 with alcohol which VICTIM 1 accepted and marijuana which VICTIM 1 declined. VICTIM 1 stated that VOGELBACHER performed oral sex on VICTIM 1 and attempted to engage in vaginal intercourse but VOGELBACHER's penis was too large.

12. After VOGELBACHER and VICTIM 1 engaged in sexual activity at the LaQuinta Inn, VOGELBACHER gave VICTIM 1 a pill bottle, bearing VOGELBACHER's

name, which VOGELBACHER advised contained herpes medication. VOGELBACHER told VICTIM 1 to take the pills if she became symptomatic. The pill bottle was recovered by Jamestown Police and it is maintained in Jamestown Police evidence storage.

13. The Jamestown Police Department obtained a hotel receipt from the LaQuinta Inn indicating a room was rented by VOGELBACHER from May 16, 2019 to May 17, 2019. Jamestown Police also interviewed staff at the LaQuinta Inn. A LaQuinta Inn employee recalled a used condom being stuck to the wall in the room that was rented by VOGELBACHER.

14. VOGELBACHER again traveled to Jamestown, New York on or about June 18, 2019. As with the first trip, the purpose of the trip was for VOGELBACHER to have sex with VICTIM 1. VOGELBACHER rented a room at the Comfort Inn hotel north of Jamestown, which lies just outside the city limits of Jamestown, within the jurisdiction of the Town of Ellicott Police Department.

15. According to VICTIM 1, VOGELBACHER stayed at the Comfort Inn for two nights. VICTIM 1 advised that VOGELBACHER again picked up VICTIM 1 and drove her to the hotel. While at the hotel the first night, VOGELBACHER performed oral sex on VICTIM 1 and VICTIM 1 performed oral sex on VOGELBACHER. VICTIM 1 recalled VOGELBACHER giving VICTIM 1 "pointers" regarding oral sex. VOGELBACHER also attempted to engage in vaginal sex with VICTIM 1. VICTIM 1 recalled that

VOGELBACHER tried to engage in vaginal sex without using a condom, but VICTIM 1 had insisted that VOGELBACHER use a condom because she was afraid of contracting herpes.

16. On the second night, VOGELBACHER and VICTIM 1 used marijuana heavily. VICTIM 1 recalled VOGELBACHER could not achieve an erection so vaginal sex was not attempted. However, VICTIM 1 and VOGELBACHER did perform oral sex on one another. Later that night, VOGELBACHER took VICTIM 1 home.

17. As referenced above, Jamestown Police secured a search warrant for VOGELBACHER's Google account. As part of the information provided by Google pursuant to the search warrant, VOGELBACHER's Google calendar was provided to investigators. An entry in the calendar reflected "stay at Comfort Inn Jamestown-Falconer" on dates June 18, 2019 to June 21, 2019.

18. Town of Ellicott investigators obtained documentation from the Comfort Inn that indicates VOGELBACHER rented a room from June 18, 2019 through June 20, 2019.


19. VICTIM 1 described VOGELBACHER's vehicle as a black car with tan leather interior with Ohio license plates.

20. On or about September 24, 2019, the Oregon, Ohio Police Department performed a brief surveillance in the vicinity of 4234 Deer Run Road, Oregon, Ohio, where VOGELBACHER is believed to reside, and observed a black Chrysler 300M sedan with a

tan interior bearing Ohio license FAD4218. The vehicle is registered to Kathleen Vogelbacher, 4234 Deer Run Road, Oregon, Ohio, who is believed to PRISCILLIA VOGELBACHER'S mother.

III. CONCLUSION

21. Based on the above information, I believe that probable cause exists to charge PRISCILLA VOGELBACHER with Travel with Intent to Engage in Illicit Sexual Conduct in violation of Title 18, United States Code, Section 2423(b).



JEFFREY A. HOMZA
Special Agent
Federal Bureau of Investigation

Sworn to before me this 21st
day of November, 2019.



HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge